

OCT 14 1999

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

CAUSE NO. A-1383

2. On June 17, 1999, Applicant applied for a resident insurance agent license. Applicant's address as listed on the application is 6108 Hamilton Street, Omaha, Nebraska 68132.

3. On August 5, 1999, Beverly Creager, Licensing Administrator for the Nebraska Department of Insurance, notified Applicant that his application for an insurance agent's license was denied based on Neb.Rev.Stat. § 44-4026 (4) and (f). Neb.Rev.Stat. § 44-4026 provides that the Director may deny an application for an agent's, broker's, or agency license if the Applicant has been convicted of any felony or Class I, II, or III misdemeanor, evidencing that such Applicant is not worthy of the public trust, and Neb.Rev.Stat. § 44-4026 (5) provides authority to deny an application if the Applicant has engaged in any fraud, misrepresentation, or dishonest practice or has not demonstrated trustworthiness or competency to transact business in such a manner as to safeguard the public.

5. Applicant was convicted of conspiracy to distribute cocaine in violation of 18 U.S.C. 846 and 841 (a) (1), a federal crime, and was sentenced on March 26, 1991 to thirty months incarceration and four years supervised release to follow. As evidenced by Exhibit 6 in the record, the sentencing judge found that Applicant provided extraordinary assistance to the government. The sentencing judge also stated that without such assistance, the defendant would have been sentenced at the upper end of the federal sentencing guideline range.

6. Applicant successfully completed his period of supervised release, and his supervised release was terminated August 19, 1997.

7. Applicant completed a nine-week training program at Goodwill Industries.

8. Applicant is currently employed by Sitel Telemarketing, and if a license is granted, would sell group property and casualty products for that company.

9. Although the record was kept open for one week after the conclusion of the hearing for the submission of such evidence, Applicant submitted no evidence other than his own testimony, Exhibit 6, and the testimony of his father, regarding the cooperation given by him to the government or his conduct since his conviction. The record contains no statements from federal agents, local law enforcement officers, or similar persons, with the exception of his own testimony and the

testimony of his father, setting forth the nature of Applicant's cooperation at the time of his plea agreement. The record contains no statement from probation officers, employers, or similar persons, with the exception of his own testimony and the testimony of his father, setting forth the extent to which Applicant has successfully managed to conduct himself in a manner which would safeguard the interests of Nebraska insureds.

CONCLUSIONS OF LAW

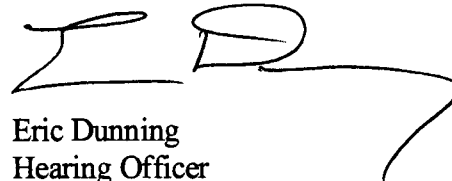
1. The Department has broad jurisdiction, control and discretion over the licensing of insurance agents and brokers to sell insurance in the State of Nebraska pursuant to Neb.Rev.Stat. §44-101.01 and §44-4001 et seq.
2. The Department has personal jurisdiction over Applicant.
3. The conviction does constitute sufficient basis for denying a license pursuant to Neb.Rev.Stat. §44-4026(4).

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, the Hearing Officer recommends to the Director of Insurance that the Director deny Applicant's request for licensing as an insurance agent.

Dated this 4th day of October 1999.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Eric Dunning
Hearing Officer

CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of

this Department in the matter of the Application For An Insurance Agent's License by Kevin P. Dobson, Cause No. A-1383.

Dated this 14th day of October 1999.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



L. Tim Wagner
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order, and Order was served upon the Applicant by mailing a copy to Applicant at 6108 Hamilton Street, Omaha, Nebraska 68132, by certified mail, return receipt requested, on this 14th day of October, 1999.

